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January 4, 2007

VIA HAND DELIVERY

Ms. Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Attn: CGB Room 3-B431

FILED/ACCEPTED

JAN - 4 2007

Federal Communications Commission
Office of the Secretary

Re: Petition for Exemption from Closed Captioning Requirements

Dear Ms. Dortch:

The Local Newspaper, Inc. f/k/a GE Media, Inc. ("Petitioner"), by its counsel, hereby requests an exemption from the closed captioning rules for its program, "Carolina People," on the basis of undue burden, pursuant to § 79.1(f) of the Commission's rules. Attached hereto as Exhibit A is an affidavit from Petitioner's President, Greg Everett, attesting to the facts set forth below in support of this petition.

Introduction

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Petitioner, a corporation situated in the Myrtle Beach, South Carolina area, engages in the production of Carolina People, a noncommercial public affairs program.¹ This program last aired on WFXB(TV), Myrtle Beach, South Carolina on September 9, 2005 and will resume broadcast at 7 a.m. every weekday on the same channel, beginning January 8, 2007. Each 30-minute episode of the show presents a different individual or organization located in and contributing uniquely to the community. Petitioner aims to raise awareness of local issues and concerns among viewers through this program.

Undue financial burden imposed by closed captioning requirement

Adding closed captioning to Carolina People would raise Petitioner's expenses significantly and tax its limited resources. At this time, Petitioner owns no closed captioning equipment nor does it have an existing contract with a captioning service provider, thus, any effort to begin captioning Carolina People would necessarily entail considerable expenditures for the purchase of technology and/or outsourcing the work. Research demonstrates that, if Petitioner hired a captioning provider, the cost per episode would range from \$200-\$250 per episode, for a total of \$52,000-\$60,000, annually.² Purchase of an encoding device to insert captioning would require an immediate expenditure of \$8,000 to \$10,000 for the machine alone, not including maintenance fees or the employment costs incurred by bringing in a new crew

¹ Petitioner previously owned and operated television station WFXB(TV), Myrtle Beach, South Carolina. Upon consummation of the assignment of this station's license on August 18, 2006, Petitioner (and its officers, directors and shareholders) divested itself of all attributable interests in WFXB(TV).

² Costs are regional estimates. *See e.g.*, In the Matter of Closed Captioning of Video Programming, *Comment of the National Association of Broadcasters*, CG Docket No. 05-231, 11 (November 10, 2005); *Petition of Myrtle Beach Premier Properties*, CG Docket No. 06-181, 2 (January 6, 2006).

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member to operate the machine or increasing the salary of an existing employee to be tasked with this additional responsibility. Petitioner pays WFXB(TV) \$250 per episode for airtime, which averages \$5500 a month. It also pays a fixed sum of \$5000 a month to a production company for filming and editing work done on the program, bringing its total production costs to approximately \$126,000 a year. Thus, based on the figures provided above, including captioning in the program could increase Petitioner's current production expenses by more than 45%.

Providing closed captioning for Carolina People would also strain Petitioner's production resources to such an extent it would be required to alter the nature of its programming. The show itself generates no revenue and airs without advertising sponsorship. Petitioner's owner covers all production expenses out-of-pocket as a service to the public. In order to provide captioning as required by the FCC's rules, Petitioner would likely be forced to reduce the number of episodes it produces, resulting in a loss of valuable public service programming. of episodes it produces, resulting in a loss of valuable public service programming.

Feedback from local charitable organizations, supporting the reintroduction and format of Carolina People, attests to the beneficial role of the program in the community. Attached hereto, as Exhibit B, is a letter from the regional chapter and division of the March of Dimes Foundation, recognizing Carolina People's part in helping the organization fulfill its mission by frequently featuring its members as guests, to educate viewers about the health issues which are its focus, as well as by appearing on location at fundraising events. Attached hereto as Exhibit C is a letter from the (regional) chapter of the American Heart Association (the "AHA"), in which the AHA's Senior Area Director also praises Carolina People for inviting its sponsors and spokespersons on to discuss the organization's work and successes. Given the importance of this

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programming in advancing charitable efforts in its broadcast area, any reduction in episodes would be detrimental to the public.

Other factors that contribute to burden on Petitioner

Beyond the financial burden imposed on Petitioner, providing captioning would also negatively impact the program's timeliness. Petitioner created Carolina People to be a public affairs show, relevant to the local community because of its exploration of current topics of interest in and around the Myrtle Beach area. Its production schedule thus necessarily requires rapid turnaround, with taping, editing and delivery to the station of the five episodes to air in the following week all taking place within a five day period. Captioning each episode would certainly delay the editing and delivery steps of this process and likely push the entire schedule back considerably. Such a change would also disrupt pre-taping aspects of production, such as booking, and overall, the value of the program to the public would be diminished by loss of its immediacy. Petitioner urges the Commission to consider this effect of the captioning requirement on its unique programming in its review of this petition.


Conclusion

As the foregoing petition demonstrates, providing closed captioning for Carolina People would create an undue burden for Petitioner. Accordingly, Petitioner respectfully requests that the Commission grant a waiver of the closed captioning requirements under Section 79.1(f) of its rules. If more information is needed, please contact the undersigned.

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Respectfully Submitted,

The Local Newspaper, Inc.



Joseph M. Di Scipio
Sima N. Chowdhury

Its Counsel

Date: January 4, 2007

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EXHIBIT A

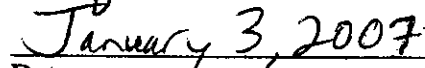
See attached.

AFFIDAVIT

I, Greg Everett, am President of The Local Newspaper, Inc. and I have reviewed the attached Petition for Exemption for Closed Captioning Requirements on the basis of Undue Burden, filed on behalf of The Local Newspaper, Inc. Upon information and belief, I find the statements regarding our organization and "Carolina People" to be true and accurate and I affirm that the petition complies with the requirements set forth in Section 79.1(f) of the Commission's rules.



Greg Everett, President, The Local Newspaper, Inc.



Date

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EXHIBIT B

See attached.



March
of Dimes®
Saving babies, together®

March of Dimes
Birth Defects Foundation

South Carolina Chapter
Pee Dee Division
314 Laurel St Ste 201
Conway SC 29526
Phone 843-488-3463

December 11, 2006

Mr. Greg Everett
"Carolina People"
Myrtle Beach, South Carolina 29577

Dear Greg:

The March of Dimes PeeDee Division was pleased to hear "Carolina People" will resume production. This talk show was an invaluable electronic tool for our agency in helping fulfill our mission of saving babies through the show's targeted audience.

The program has enabled our division to share information on our #1 fundraising venture – WalkAmerica to the six county audience that we serve. In addition, when the show went on location to Marion County Medical Center, the March of Dimes PeeDee Division was able to broaden its scope by having guests interviewed from Marion County and Marlboro County. These two communities have extraordinary Fall Walk campaigns and were provided an opportunity to share their program of work and help educate viewers about getting involved as sponsors, teams and volunteers.

In addition, "Carolina People" has helped our division promote events such as our annual Signature Chefs Auction, Real Estate Industry Award Testimonial as well as Motorcycle Ride for Babies.

By having March of Dimes guests on the show – from walk chairs to health care professionals – this forum has provided an invaluable service by bringing the viewers the most up-to-date health information on the state and area's growing health crisis – premature birth – through support services and education for local mothers and babies.

Saving babies is the passion that drives the March of Dimes. We welcome the opportunity to share this passion with "Carolina People."

Sincerely,

Mrs. Jo Fisher
Executive Director

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EXHIBIT C

See attached.

Every year more than
three million volunteers
contribute their time and
talents to help our organiza-
tion defeat heart disease and
blood vessel disease ----
and save lives.



January 2, 2007

Mr. Greg Everett, President
The Local Newspaper, Inc.
3364 Huger Street
Myrtle Beach, SC 29577

Dear Greg:

The Waccamaw Area Division of the American Heart Association is very happy to hear that "Carolina People" will begin production again soon. The audience that this show reaches parallels nicely with the segment of the market that our fundraising events are striving to reach.

We have had the opportunity of inviting many of our CEO's and top level sponsors to be interviewed on this show. Our sponsors look at this very favorably and they are honored to be guests on "Carolina People" and have the opportunity to talk about their company as well as share personal information about themselves. Bob Brooks, owner of Hooters International was interviewed on Carolina People and shared his personal testimony of being a stroke survivor more than 20 years ago. They discussed how technology has improved since he had his stroke and how many of these improvements were due to research provided by the American Heart Association. Mr. Brooks recently passed away and that taped show will be a wonderful collector's edition for the American Heart Association as well as "Carolina People."

Many of the other guests on "Carolina People" have been heart and stroke survivors and their testimonials were very inspirational to the viewing audience. We have had numerous inquiries from viewers and many of them made donations to the American Heart Association or became volunteers. The show has promoted all three of our fundraising events including the Heart Walk, Heart Ball and Horseback Ride-a-thon. These events raise over \$830,000 and I know that they are all more successful because of the promotions that we have received from "Carolina People."

Thank you very much for all of the past support of the American Heart Association and we look forward to a great working relationship in the future.

Sincerely,

Tammy Eaves
Senior Area Director